

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

COPY

IN THE MATTER OF:

Catherine Coppes, an employee of the
Department of Human Services

CASE NO. 2012 IECDB 06

REPRIMAND & CIVIL PENALTY

On April 27, 2012, the Iowa Ethics and Campaign Disclosure Board ("Board") considered a complaint initiated by the Board's staff against Catherine Coppes. For the reasons that follow, the Board hereby reprimands Ms. Coppes and orders her to pay a civil penalty in the amount of \$200.

BACKGROUND

Ms. Coppes has worked for the Department of Human Services ("DHS") since 1973. She is a Management Analyst 3 with Iowa Medicaid Enterprises ("IME"), which is a division of DHS. Her primary role is to recommend or establish Medicaid dental policy and she is referred to as a Medicaid Policy Specialist.

Unbeknownst to anyone at DHS, Ms. Coppes flew to San Antonio, Texas in January 2012 to speak at a Delta Dental conference. Delta Dental reimbursed Ms. Coppes with a hotel room and meals while she attended the conference. Delta Dental also paid Ms. Coppes a \$1,000 honorarium. Ms. Coppes took vacation time to attend the conference. The trip and payments came to light when Delta Dental sent Ms. Coppes a check in the amount of \$1716.30 to IME rather than her personal address as she had directed. Delta Dental of Iowa is contracted by IME to provide dental coverage to children in the hawk-i program.

Ms. Coppes' supervisors conducted an investigation into this matter and notified the Board's staff. The check was returned to Delta Dental pending the Board's determination of what portion, if any, is allowable under Iowa's gift and honoraria laws. The Board's staff initiated the complaint by referring this matter to the Board. See Iowa Code § 68B.32B.

ANALYSIS

The Board must first determine whether the complaint is legally sufficient. A legally sufficient complaint must allege all of the following:

- a. Facts that would establish a violation of a provision of chapter 68A, chapter 68B, section 8.7, or rules adopted by the board.
- b. Facts that would establish that the conduct providing the basis for the complaint occurred within three years of the complaint.
- c. Facts that would establish that the subject of the complaint is a party subject to the jurisdiction of the board.

Iowa Code § 68B.32B(4). If the Board determines the complaint is legally sufficient, it shall order an investigation. *Id.* § 68B.32B(6). If the Board determines that none of the allegations contained in the complaint are legally sufficient, the complaint shall be dismissed. *Id.*

The conduct alleged in the complaint occurred this year. The Board has jurisdiction to consider a complaint alleging an employee of the executive branch of state government committed a violation of chapter 68B of the Iowa Code. *Id.*

§ 68B.32B(1). The remaining question is whether the facts alleged in the complaint would establish a violation of chapter 68B.

Iowa Code section 68B.23 provides that a public employee shall not accept an honorarium from a restricted donor unless one of four limited exceptions applies. A “restricted donor” includes any person or entity that has a contract with the agency in which the donee is employed. *Id.* § 68B.2(24).

The Board finds Delta Dental is a restricted donor to Ms. Coppes because it has a contract with IME to provide dental services for children enrolled in the hawk-i program. The Board further finds that only the applicable exception to the general prohibition of an honorarium from a restricted donor is the following:

Actual expenses of a donee for registration, food, beverages, travel, and lodging paid in return for participation in a panel or speaking engagement at a meeting when the expenses relate directly to the day or

days on which the recipient has participation or presentation responsibilities.

Id. § 68B.23(2)(a); *see also* § 68b.22(4)(g). Accepting an additional \$1,000 honorarium would be a violation of Iowa law. Thus, the complaint is legally sufficient.

The Board finds it unnecessary to order a further investigation into this matter. Ms. Coppes' supervisors have conducted an investigation and reported their findings to the Board's staff. Ms. Coppes has spoken with this Board's director and acknowledged the allegations in the complaint.

The Board elects to handle this matter by administrative resolution rather than through a contested case proceeding process. *See* Iowa Admin. Code r. 351—9.4(2). The Board finds that Ms. Coppes violated section 68B.23 when she accepted a \$1,000 honorarium from a restricted donor. The Board finds it is permissible under Iowa code sections 68B.22 and 68B.23 for Delta Dental to reimburse Ms. Coppes for her airfare and ground transportation (\$716.30) and to have provided her with a hotel room and meals while she was in San Antonio, Texas to speak at the Delta Dental conference.

The Board finds that a reprimand and civil penalty in the amount of \$200 is the appropriate remedy.

SUMMARY

Ms. Coppes is reprimanded for accepting a prohibited honorarium in the amount of \$1,000 from a restricted donor in violation of Iowa Code sections 68B.22 and 68B.23. Ms. Coppes is further ordered to pay a civil penalty in the amount of \$200. Pursuant to Iowa Code Administrative Rule 351—9.4(3), she may appeal the issuance of the reprimand and civil penalty by submitting within 30 days a written request for a contested case hearing.

By direction of the Board

A handwritten signature in black ink, appearing to read "James A. Albert", is written over a horizontal line.

James Albert, Chair
John Walsh, Vice Chair

Saima Zafar
Carole Tillotson
Jonathan Roos
Mary Rueter

CERTIFICATE OF SERVICE

The undersigned hereby certifies this Order was sent by first class mail, address service requested, on July 30, 2012, to:

Ms. Catherine Coppes
Iowa Medicaid Enterprise
100 Army Post Road
Des Moines, Iowa 50315

By: S. Wright

Sharon Wright, Administrative Assistant for the Board